

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-00517-WFK-1
:
- versus - : U.S. Courthouse
: Brooklyn, New York
ALI SALEH, :
Defendant : November 2, 2015
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE VIKTOR V. POHORELSKY
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: Criminal Cause for Arraignment, case
2 number 15-cr-517, United States v. Ali Saleh.

3 Counsel, your name for the record?

4 MS. KOMATIREDDY: Good morning, your Honor.

5 Saritha Komatireddy for the United States.

6 MS. KELLMAN: Good morning, your Honor.

7 Susan Kellman for Ali Saleh. We're ready to
8 proceed, your Honor.

9 THE COURT: Good morning.

10 Ms. Kellman, did you receive a copy of the
11 indictment in this matter and did you review that with
12 your client?

13 MS. KELLMAN: I have, your Honor and we were
14 provided previously with a copy and we went over the copy
15 (indiscernible).

16 THE COURT: Are you satisfied he understands
17 the charges?

18 MS. KELLMAN: I am, your Honor.

19 THE COURT: Mr. Saleh, you are charged with
20 attempting to provide material support and resources to a
21 foreign terrorist organization.

22 Do you understand that?

23 THE DEFENDANT: Sir?

24 THE COURT: How --

25 MS. KELLMAN: He's not always that verbal.

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1 THE COURT: I'm sorry?

2 MS. KELLMAN: He's not always that verbal.

3 THE COURT: Yes, well -- okay. Did you --

4 MS. KELLMAN: I read it to him, your Honor, and
5 I discussed it with him and I believe he understands it.

6 THE COURT: Do you wish to enter a plea of not
7 guilty Mr. Saleh or how do you plead, guilty or not
8 guilty?

9 MS. KELLMAN: He has no comment.

10 THE COURT: No comment. We will enter a plea
11 of not guilty.

12 MS. KOMATIREDDY: Very well, your Honor.

13 THE COURT: Has Judge Kuntz scheduled a
14 conference in this matter, Ms. Komatireddy?

15 MS. KOMATIREDDY: He has, your Honor. The
16 status conference is scheduled for November 10th at 11
17 a.m. and the parties request an order of excludable delay
18 from today until that day. Judge Kuntz's chambers also
19 consents.

20 THE COURT: All right. I do have an
21 application here to exclude time between today and
22 November 10th. It's premised on -- that is from the
23 Speedy Trial Act, is premised on the existence of plea
24 negotiations which may resolve this case without the need
25 for a trial.

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1 And the application appears to be signed by Mr.
2 Saleh. Did you sign this document, Mr. Saleh?

3 MS. KELLMAN: Is that your signature? Your
4 Honor, he signed it here in open court.

5 THE COURT: He did but if he's not consenting,
6 I am not going to enter an order excluding time. So if
7 he's not willing to acknowledge that, then I don't have a
8 basis for excluding time under the Speedy Trial Act. So
9 there's no response here, so I don't even know whether
10 there are really plea negotiations. I know you're making
11 that representation --

12 MS. KELLMAN: I am, Judge.

13 THE COURT: -- Ms. Kellman, but it doesn't
14 sound to me like Mr. Saleh is --

15 MS. KELLMAN: He has never been shy out of the
16 courtroom, Judge, and I will say he -- I said he is not
17 as shy outside of the courtroom and he and I did discuss
18 the waiver earlier today and I asked him if he would sign
19 the waiver when he came into court indicating his consent
20 and he did read it and signed it in court.

21 THE COURT: Well, but he's not responding to me
22 and while I have no reason to doubt what you're telling
23 me, I am not comfortable excluding time under Speedy
24 Trial Act on the basis of plea negotiations if Mr. Saleh
25 is not willing to acknowledge.

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1 MS. KELLMAN: Understood, Judge.

2 THE COURT: So I have declined to enter the
3 order.

4 Is there any other matter for us to address
5 today?

6 MS. KOMATIREDDY: Not at this time, your Honor.

7 MS. KELLMAN: No, your Honor.

8 THE COURT: All right. We're adjourned.

9 THE CLERK: Thank you.

10 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 21st day of May, 2016.


Linda Ferrara

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